

**United States District Court  
Southern District of New York**

Case Number 07-CIV-8707 (JSR) (JDF)

3Com Corporation,

Plaintiff,

vs.

Capital 4, Inc., *et al.*

Defendants.

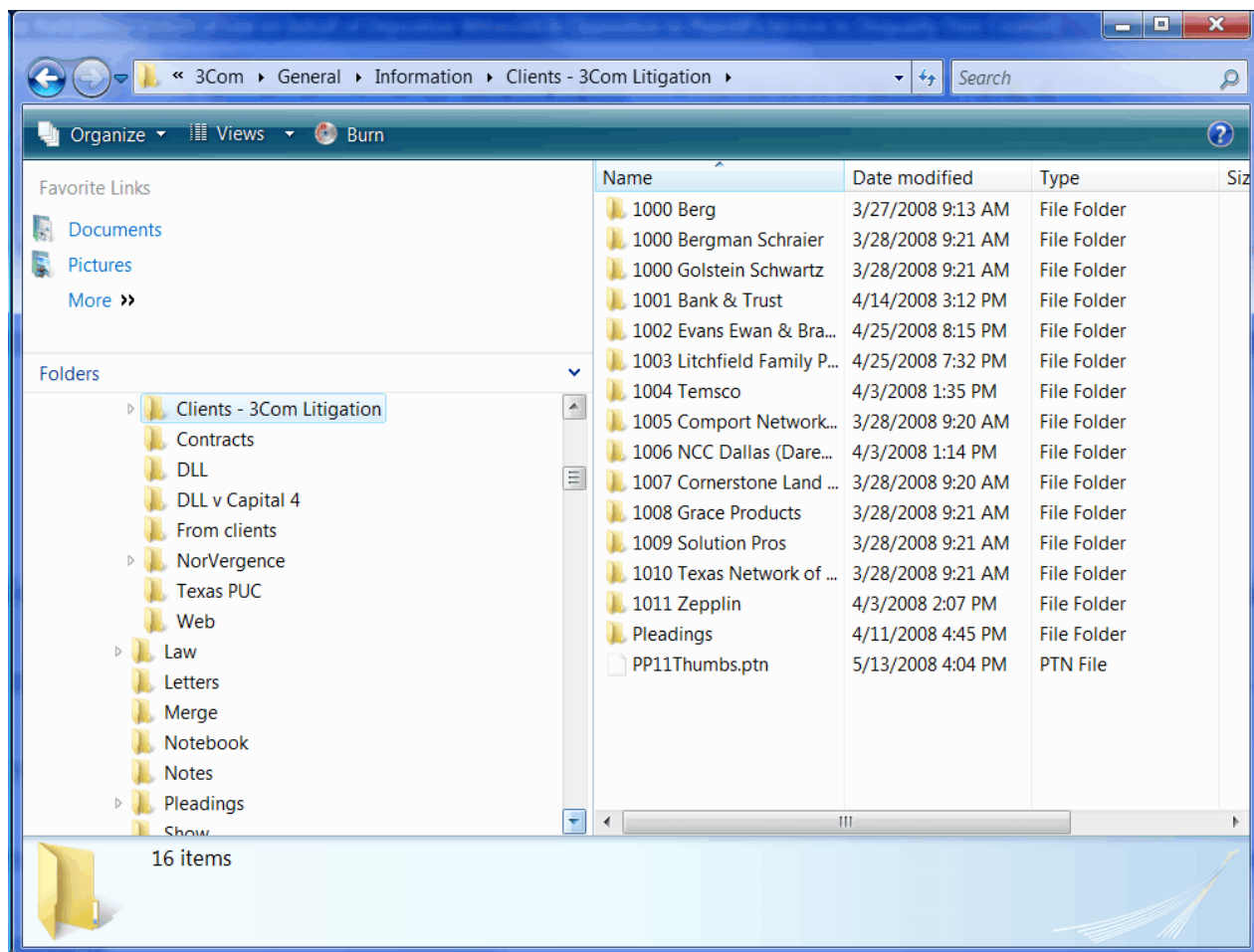
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**Affidavit of Ronald P. Gossett**

State of Florida  
County of Broward

BEFORE ME, the undersigned authority, personally appeared Ronald P. Gossett, who being first duly sworn by me, deposes and says that:

1. He is over the age of 18, and makes this affidavit upon his personal knowledge.
2. He has continuously been licensed to practice law in the State of Florida (in state and federal courts) since June 1, 1976, is in good standing with all such courts, and is licensed to practice law in the 2d, 3d and 11<sup>th</sup> Circuit Courts of Appeals, and in the Supreme Court of the United States of America.
3. He has been advised by his sponsoring attorney in this court, Leonard I. Spielberg, that all documents which need to be filed in this court to seek *pro hac vice* admission have been transmitted to the court, although affiant noticed, as of May 14, 2008, that the signature page of the supporting affidavit of Leonard I. Spielberg, does not appear in the filing for *pro hac vice* admission accessible through this court's electronic case filing system.
4. He received electronic files from Simon Hughes on a USB drive.



**Figure 1**

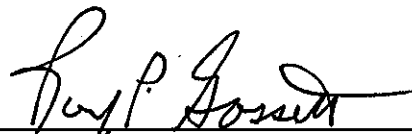
5. Those file were organized as shown in the right-hand pane of figure 1 above.
6. He has only opened the subfolders numbered 1001, 1002, and 1003.
7. He opened only one letter in each of the three subfolders.
8. The letters he opened were referenced in three letters he received from Plaintiff's counsel.
9. The letters he opened were demand letters written by Simon Hughes to 3Com Corporation to comply with a condition precedent to bringing suit under Texas consumer fraud statutes.
10. The three letters he received from Plaintiff's counsel opined that the demand letters were insufficient as a matter of law.

11. He opened the three letters only to respond to counsel's letters.
12. He has opened no other electronic file transmitted by Mr. Hughes, and he has received no paper file from Mr. Hughes.
13. The documents attached to the Memorandum of Law filed in connection herewith as Witnesses' Exhibit 1 are true and correct copies of documents in his possession which are asserted to be the contract between one of the Witnesses and the RICO Enterprise "Power of \$Zero™ Partnership," and an example of such contracts between each Witness and the RICO Enterprise.
14. The documents attached to the Memorandum of Law filed in connection herewith as Witnesses' Exhibit 2 are true and correct copies of documents in his possession which are asserted to be the Strategic Alliance Agreement between Plaintiff and Defendant, and which documents are attached to the original complaint filed in this matter as Plaintiff's Exhibit 2.
15. The documents attached to the Memorandum of Law filed in connection herewith as Witnesses' Exhibit 3 are true and correct copies of documents in his possession which are asserted to be the letter he wrote to Plaintiff's counsel, dated April 9, 2008, wherein he advised Plaintiff's counsel that he represents Evans Ewan & Brady Insurance Agency, Inc., (among others) and that he would be responding to the subpoenae served on each of his clients, including Evans Ewan & Brady Insurance Agency, Inc.
16. The documents attached to the Memorandum of Law filed in connection herewith as Witnesses' Exhibit 4 are true and correct copies of documents in his possession, originally attached to Plaintiff's complaint in this matter as Plaintiff's Exhibit A, which

is asserted to be the master program agreement between Capital 4, Inc., and De Lage Landen Financial Services, Inc.

17. The documents attached to the Memorandum of Law filed in connection herewith as Witnesses' Exhibit 5 are true and correct copies of documents in his possession which are asserted to be documents prepared by the RICO Enterprise "Power of \$Zero™ Partnership" and distributed by it through the mail or over the wire to value-added retailers, including Witness North Central Communications, Inc.
18. On April 19, 2008, without the foreknowledge of Affiant, Evans Ewan & Brady Insurance Agency, Inc., mailed copies of various documents, including the email to Evans Ewan & Brady Insurance Agency, Inc., from its attorney, attached to Plaintiff's motion as Plaintiff's Exhibit R.
19. He has never received any return of the documents mailed by Evans Ewan & Brady Insurance Agency, Inc., to Plaintiff's attorney which are clearly attorney/client privileged, including Plaintiff's Exhibit R.
20. He has never represented either Capital 4, Inc., or 3Com Corporation in any matter whatsoever.

FURTHER AFFIANT SAYETH NAUGHT:

  
\_\_\_\_\_  
Ronald P. Gossett

SWORN TO, and subscribed before me this 16<sup>th</sup> day of May, 2008, by **Ronald P. Gossett** to me personally known.



  
NOTARY PUBLIC—State of Florida

Printed Name: Patricia K. Crissy

My commission expires:

### Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing has been mailed by United States mail, postage prepaid, this 16<sup>th</sup> day of May, 2008, to: Daniel E. Rosenfeld, Esq., of the law firm of DLP Piper US LLP, Attorneys for Plaintiff, 33 Arch Street, 26<sup>th</sup> Floor, Boston, MA 02110; Thomas Vays, Esq., of the law firm of Winget, Spadafora & Schwartzberg, LLP, Attorneys for Defendant, 45 Broadway, 19<sup>th</sup> Floor, New York, NY 10006, and to Simon H. Hughes, Esq., of The Hughes Law Firm, PARK CITY, 13280 Northwest Freeway, No. F-400, Houston, TX 77040, and served the same by attachment to email before 5:00 p.m., the same date.

#### Gossett & Gossett, P.A.

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By: 

Ronald P. Gossett (RG6930)  
For the Firm

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